

BOARD OF SELECTMEN MEETING MINUTES

April 5, 2016

Town Hall

Chairman Kenneth Picard; Selectman Robert J. Fleming; Selectman James Brochu; Town Manager, Blythe C. Robinson; Executive Assistant, Sandra Hakala

The meeting was called to order at 6:00pm. Chairman Picard opened the meeting and after the pledge of allegiance reviewed the agenda.

MINUTES

Motion #1: Motion made by Selectman Brochu to approve the March 15, 2016 regular session meeting minutes.

Second: Selectman Fleming, Unanimous Chairman Picard.

Motion #2: Motion made by Selectman Brochu to approve the March 23, 2016 regular session meeting minutes.

Second: Selectman Fleming, Unanimous Chairman Picard.

Motion #3: Motion made by Selectman Brochu to approve the March 29, 2016 regular session meeting minutes.

Second: Selectman Fleming, Unanimous Chairman Picard.

Motion #4: Motion made by Selectman Brochu to approve the March 15, 2016 executive session meeting minutes.

Second: Selectman Fleming, Unanimous Chairman Picard.

INVITED GUESTS

Phil DeZutter – MURSD School Board Chairman

Mr. DeZutter attended the meeting to discuss the FY 16/17 budget as it pertains to the school district. The Mendon-Upton Regional School district may be facing about a \$300,000 deficit in its budget if it cannot find an alternative option for health insurance for the upcoming fiscal year. The district will be receiving a 19.59 percent increase in cost for health insurance for fiscal year 2017 with their current insurance and are looking at obtaining quotes from other carriers. Mr. DeZutter made the commitment of not going back to the towns and to figure out how to make that work. School officials only anticipated a ten percent increase in costs and overall 1.59 percent budget increase.

Amanda Graham – Affordable Housing Trust Committee Chairman

Ms. Graham updated the Board on the activities of the Trust over the past year and their efforts to increase in the future the number of affordable units of housing in Town as well as the status of the Orchard Street property development. Habitat for Humanity's will walk the town owned Orchard Street property to review and strategize the project. CMRPC and Habitat will prepare an RFP for the project to which they'll respond and prepare a Land Development Agreement with

the Trust. Fundraising and community involvement, permitting, and construction would follow. A deed rider would ensure property's market status remains affordable in perpetuity.

MANAGER'S REPORT

The deadline to register dogs under the revised bylaw shortened the licensing period to March 31st. The number of licenses issued has increased over last year due in part to the notices that went out to owners who had not complied in the past and advertising efforts over the past two weeks. All are encouraged all who have not come in yet to do so, even though they will be subject to the \$10 late fee.

There are two employment vacancies posted on the website, Conservation Agent and Library Circulation Clerk. Both are 19 hours a week and the applications are due on April 14th.

Work on abandoned properties continues. The Attorney General's Office will be back to court on April 6th to have the court appoint a receiver to take over the rehabilitation of the property at 14 North Main Street as the bank has declined to agree to a settlement. The ZBA has approved a replacement of the house at 6 Main Street. The Town is in contact with the owner and the bank involved with 230 North Street and has notified them that unless they take steps to secure and improve that house the Town will utilize the nuisance bylaw.

A number of bids and RFP's are on the website: They include:

- Relocation of the building at #2 Grove Street. Interested parties will have until April 14th to submit proposals for the Town to consider.
- Development of Financial Policies and Procedures – proposals for this state grant funded project are due April 26th
- RFP to seek land for purchase by the Town for a future new Library – due May 19th

The annual scholarship process has begun and the information is posted to the website. Students will have until April 13th to submit an application to the Board for consideration.

The Insurance Advisory Committee met this week with an outside agent who had put the current insurance plan out for bid. The result was two bids, both which were 4 – 8% higher than the renewal with MIIA/Blue Cross. Plan design changes are needed in order to control future costs. The committee meets again next week at which several options will be reviewed that could be in place for July 1st.

ClearGov and the updated information for Upton should be available early next week showing our financial situation through FY 15 (the most recently completed fiscal year).

DISCUSSION ITEMS

Discuss Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations

The Selectmen reviewed a resolution that the Mendon-Upton Regional School Committee unanimously passed during its meeting of March 14, 2016. This resolution calls for the full funding of the recommendations of the Foundation Budget Review Commission (FBRC), a commission established by the Legislature in the FY16 budget that was charged with examining

the Foundation Budget (Chapter 70) formula. The FBRC found that the current formula understates costs significantly in two areas: Employee Health Insurance and Special Education. Mr. DeZutter discussed this with the Board and asked for their support so that a unified message can go back State representatives as to why this funding is critical to the district.

The Selectmen have taken this under review and will discuss again at their next meeting.

Discuss FY 2016/2017 Budget

The Board reviewed the current version of the budget with the Town Manager. This version reflects the decision agreed upon at the meeting with the Finance Committee last month and affirmed to reduce the school budget by \$95,000. The revisions included; moving all articles from free cash to raise & appropriate; changing the summary page to deduct \$100,000 of “levy limit capacity” that won’t be used; increase two line items to get closer to using all of the free cash and let lapse to next year, increase OPEB to \$100,000 from \$50K and increase Fisk Mill Bridge to \$70,000 from \$50K; and create a warrant article for the Heritage Park Gate for \$1,000, and reduce the expense line. The tax title account was lowered from the \$20K request and the health insurance design changes with the insurance advisory committee may resolved by Selectmen’s next meeting.

Review Draft of the May 5th Annual Town Meeting Warrant

The warrant for the annual meeting closed on March 16th and the Board reviewed the 26 articles. Ms. Robinson noted the list of articles is shorter than past years as some of the capital items planned to fund for next year is being held until the fall special town meeting.

Motion to Ratify a successor agreement with Teamster’s Local 170 - Supervisors

Pass over.

Review Proposed General Bylaw Changes for the Town Meeting Warrant

The DPW Director and Town Manager recommended two additions to the Town’s general bylaws for the annual town meeting. The first is to establish a bylaw on trees located in the public way and shade trees. This bylaw would build on the State law on this topic and allow the Town to address issues not covered by the law. Mr. Roy disagreed with striking the definition of a public way from the bylaw. Selectman Brochu concurred asking that the definition be written legally yet understandable.

The second bylaw would have the effect of prohibiting property owners from discharging water into a public way. There have been several instances over the last few months where water has been discharged into a street, and that has resulted in ice on the roads and a potential public safety problem. While it can be addressed by the Town dispatching a truck to sand or salt the area, they believe a bylaw to address this to require a property owner to stop the practice is warranted. The Board agreed that enforcement be done in stages; first violation – written warning, second a \$50.00 fine and third – a \$200.00 fine. The Board added that concurrent violations are fined at \$200.00.

Motion to Award Contract – Aquatic Weed Control Treatments at Various Locations

DPW Director Roy recommended to the Board vote to award a contract to Solitude Lake Management for a three year contract to treat several lakes and ponds in Town. Their bid is in line with the funds available for the work in the next year and of course subject to appropriation in the future years. Ms. Robinson recommends the Board vote to award it to Solitude Lake Management.

Motion #5: Motion made by Selectman Fleming to award the contract for aquatic weed control treatments at various locations for three years to Solitude Lake Management.

Second: Selectman Brochu, Unanimous Chairman Picard.

Joint Election to fill two positions on the Cemetery Commission

The Board reviewed a memo from the Town Clerk notifying the Board and the remaining Cemetery Commissioner Glenn Fowler that a joint election to fill these openings is required.

An application from Mr. Bill Taylor of North Street expressed interest in serving at this time. Mr. Fowler was present at the meeting therefore an election to fill one opening could take place.

Chairman Picard asked if there were any nominations. Selectman Brochu nominated Bill Taylor. This was seconded by Selectman Fleming. No discussion followed, and the Chair asked for a roll call.

Poll taken: Kenneth Picard, aye, Robert Fleming aye, James Brochu aye, Commissioner Fowler aye.

Motion to Approve Solarize Upton Program

A presentation by the Green Community Committee to recommend that the Town submit an application to join this program was given at the Board's meeting on March 29th. While 98 residents have already installed solar arrays on their homes thus far, this program would provide the opportunity for about 34 more to do so at a competitive cost.

The program requires a high level of responsibility which Bill Taylor agreed to be a municipal representative of the program and Brad Rolph agreed to be the solar coach. The Green Committee is asking for the Board's support of an application to join the program, and that application is due by May 1st.

Motion #6: Motion made by Selectman Fleming to authorize the Green Community Committee to submit an application to join the Solarize Upton Program.

Second: Selectman Brochu, Unanimous Chairman Picard.

Approve Renewal of Common Victualler License – Kelly's Farm Stand

Kelly's Farm Stand is a seasonal business that opens in the spring for the warmer months, which is why their license was not processed in December with the others. They are in the process of having all of the required inspections and approvals in place prior to opening.

Motion #7: Motion made by Selectman Fleming to give conditional approval to the issuance of a common victualler license to Kelly's Farm Stand until all conditions are met with the Board of Health and Code Enforcement.

Second: Selectman Brochu, Unanimous Chairman Picard.

Announcement of the State of Massachusetts Consideration to Purchase 44 Acres of Land on Westborough Road

The State Department of Conservation and Recreation has notified the Town of their consideration to purchase 44 acres of land that abuts the Upton State Forest. They State requires that the Board announce this process at its next regularly scheduled meeting which is why it is on the agenda. The Town has 120 days in which indicate its interest in the land, and the State has requested that the Board shorten that period so that should the State wish to proceed to purchase it, the transaction can be completed in a shorter period of time.

The assessors said the town currently receives about \$6,300 in taxes from it, which would be lost if the state owned it.

Selectman Robert Fleming requested that the board delay making a decision to allow the Open Space and Conservation Commission look at this for their input. Bill Taylor is very familiar with that property because the owners had approached Open Space and at the time they didn't think there were funds available to acquire it. Mr. Taylor was pleased that the State has decided to purchase the land.

Chairman Picard requested that Taylor reach out to the Open Space Committee and Conservation Commission, so that the Board could make a better decision.

MEETING LOOK AHEAD TOPICS

NEW BUSINESS

At their meeting on March 1, the Selectmen postponed exercising their right of first refusal to purchase Amato's 47 acres of land on East Street that is currently taxed under Mass. G. L. c. 61A. Bill Taylor, Chairman of the Open Space Committee asked selectmen to defer their decision to refuse the land until he has a chance to examine the land for potential use. Mr. Taylor reported to the Board the Open Space Committee had no interest in pursuing the land.

Motion #8: Motion made by Selectman Fleming to waive the 120 day window of time and exercise its right of first refusal to purchase the land at the price proposed.

Second: Selectman Brochu, Unanimous Chairman Picard.

EXECUTIVE SESSION

The Board will enter into Executive Session under M.G.L. Chapter 30A, Section #21, Exception #3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares

225 The Board will enter into Executive Session under MGL c.30A, S. 21 exceptions #3: to discuss
226 strategy sessions with respect to collective bargaining if the chair declares an open meeting will
227 have a detrimental effect on the Town's bargaining position.

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229 Poll taken: Kenneth Picard, aye, Robert Fleming aye, James Brochu aye.

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231 **ADJOURN MEETING**

232 ***Motion #9:*** At 8:47pm motion was made by Selectman Brochu to adjourn the regular meeting.

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234 Second: Selectmen Fleming, Unanimous Chairman Picard.

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236 Respectfully submitted,

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238 Sandra Hakala

239 Executive Assistant